



(119) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1797-2026 (O&M)

Reserved on:- 25.02.2026

Pronounced on: 06.03.2026

Uploaded on: 09.03.2026

KULDEEP KAUR

...Petitioner

Vs.

RAM SINGH

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Pragun Goyal, Advocate
for the respondent/caveator.

VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition has been filed challenging the order dated 06.01.2026 passed by the learned Civil Judge (Junior Division), Bathinda, whereby the application filed by the respondent/plaintiff for amendment of the plaint was allowed.

2. Briefly stated, the respondent/plaintiff filed a suit for permanent injunction seeking relief against alienation of the suit property. It was contended that the suit property was purchased entirely with the funds provided by the respondent/plaintiff, whereas the sale deed was erroneously executed in the name of the petitioner. The parties to the suit are husband and wife. The petitioner/defendant contested the suit by filing a written statement, wherein the allegations made by the respondent/plaintiff were refuted. It was contended that the suit was a counterblast to a petition filed under Section 125 Cr.P.C. by the minor children through the petitioner, that there existed a



matrimonial dispute between the parties, and that the property in question was purchased out of the joint funds of the parties. Issues in the suit were framed on 19.07.2024. Subsequently, when the matter was posted for the evidence of the respondent/plaintiff, he filed an application under Order 6 Rule 17 read with Section 151 CPC, seeking amendment of the plaint to incorporate an additional relief declaring that the entire expenses for the plot and sale deed were borne by the plaintiff and that the transaction was a benami transaction. The application was opposed by the petitioner/defendant. The learned trial Court, after considering the submissions, allowed the application vide the impugned order. Aggrieved by the same, the present revision petition has been filed before this Court, challenging the legality and correctness of the order passed by the trial Court.

3. The present revision petition has been contested by the respondent/plaintiff by filing a caveat.

4. Learned counsel for the petitioner contended that the learned Civil Judge has failed to appreciate that the proposed amendment is barred by limitation. It was submitted that the purchase of the house was made in the year 2012-13, whereas the application for amendment was filed on 15.04.2025. The limitation period for challenging the sale deed is three years, and, therefore, the suit is clearly barred by limitation. He further contended that the learned Civil Judge did not consider that the proposed amendment would alter the entire nature of the suit, which is impermissible under settled law. The original suit was filed for permanent injunction, whereas the proposed amendment sought to introduce a relief of declaration, thereby changing the nature of the suit from one for injunction to one for declaratory



relief. It was also submitted that the proposed amendment was moved at a belated stage, and the learned Civil Judge did not take into account the proviso to Rule 17 of Order VI CPC, as the application was filed after the commencement of the trial, and there was no averment in the application to show that, despite exercising due diligence, the plaintiff could not take up this plea initially.

5. On the other hand, learned counsel for the respondent/caveator contended that there was no illegality or infirmity in the order passed by the trial Court. It was submitted that the learned Civil Judge had rightly exercised the jurisdiction vested in the Court to allow the amendment in order to do substantial justice. It was further contended that the amendment did not introduce a new cause of action but only claimed an additional relief, without altering the pleadings. It was emphasized that it is settled law that even time-barred amendments can be allowed in appropriate circumstances.

6. I have heard the arguments and gone through the paper-book and the impugned order carefully. The learned Civil Judge has recorded detailed findings in paragraphs 6 and 7 of the order, which are reproduced as follows:

“6. In order to decide the application in hand, it is very relevant to discuss Order 6 Rule 17 CPC which is as under:-

Or. 6 R. 17: Amendment of Pleadings: The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced,



unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

It is evident from the wordings of Order 6 Rule 17 that the Court may at any stage of the proceedings allow either party to alter or amend his pleadings for the purpose of determining the real controversy between the parties. Hon'ble Supreme Court in case of Life insurance Corporation versus Sanjeev builders private limited and another 2022 clearly laid down that all amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. The prayer for amendment is to be allowed if the amendment is required for effective and proper adjudication of the controversy between the parties, and to avoid multiplicity of proceedings, provided the amendment does not result in injustice to the other side.

7. *The perusal of the file reveals that plaintiff has filed the suit for permanent injunction restraining the defendant from dispossessing the plaintiff from the residential house measuring 184.026 sq. yards and further restraining the defendant from alienating the suit property in question. The plaintiffs alleged that the present relief of declaration should be allowed as the entire expenses regarding the construction and purchase of the suit property was borne by the plaintiff and the relief of declaration is required to get the revenue entries corrected in the revenue record. The present application is moved by the plaintiff for amendment of plaint under order VI R17 CPC for incorporating the relief of declaration as mentioned in the head note of the application. It is a settled law that all such amendments should be allowed which are necessary for determining the real controversy between the parties. The object of provision is that every such amendment is allowed which is necessary for just and effective adjudication of the case. The present case is at the stage of plaintiff evidence. Issues have been settled and trial has already been commenced. Even though the issues have been settled but mere delay should not defeat the rights of the party seeking relief by way of amendment as delay can*



otherwise be compensated by costs. The present amendment is required as the applicant/plaintiff sought relief of declaration for change in revenue record affecting the rights of the plaintiff. The amendment is essential for adjudicating the rights of the matter. It will not change the nature of suit. The present amendment is not causing any prejudice to the opposite party. Considering the law laid down by the Apex court and legislative intent behind the provision of 06R17 CPC, this court is of the considered opinion that in order to prevent multiplicity of suits and for effective adjudication between the parties, the present application deserves to be allowed. No prejudice would be caused to the defendant if the plaintiff is allowed to add the relief of declaration as prayed in the head note of the application. The present amendment is necessary for the just and effective adjudication of the present trial. Accordingly on the basis of finding given above, the application is allowed and disposed of, without expressing any opinion on the merits of case.”

7. By way of the proposed amendment, the plaintiff has only sought to incorporate the relief of declaration in the plaint. It is evident that the substance of the pleadings has not undergone any change, as the plaintiff had already specifically pleaded in the original plaint that the entire expenses for the purchase of the house were borne by the plaintiff. Thus, the amendment merely seeks to formalize and emphasize a relief that is consistent with the facts already set out in the plaint, without introducing any new cause of action. In this regard, it may be noted that in paragraph 3 of the plaint, the plaintiff had pleaded as follows:

“3. That the defendant then started pressurizing the plaintiff to get the share from the land of his father, to sell the same and to purchase the residential Kothi in the name of the defendant but the plaintiff did not agree for the same and on this, the behaviour of the defendant had gone from bad to worse and the defendant started picking up quarrel with the plaintiff almost daily and the defendant also did not use to do



the household chores and sometimes she also did not use to prepare the meal for the plaintiff and also used to leave the house after short intervals and under compelling circumstances, the plaintiff took a loan of 13,25,000/- from State Bank of Patiala, Bhagu Road, Bathinda in year 2012 and also took help of ₹ 4,00,000/- from his father and purchased a plot measuring 184.026 sq. yards fully detailed in the heading of the plaint, situated in Street No. 8/1, Bhagu Road, Bathinda but the defendant illegally and fraudulently got the sale deed executed and registered in her own name although the payment of 12,57,000/- was paid by the plaintiff from his own account through cheque while ₹ 4,00,000/- in cash at the time of execution and registration of the sale deed and the entire loan installments have also been paid by the plaintiff from his account. Similarly, the defendant took a house loan of 15,00,000/- jointly in the name of the plaintiff and defendant and raised the construction of residential house over the said plot and the loan installments of the said house have also been paid by the plaintiff from his own pocket, in cash as well as through his Bank account. The plaintiff has already repaid huge amount of 9,63,400/- in installments and a sum of ₹7,00,000/- is still outstanding and a sum of 10,000/- is being deducted from the account of the plaintiff every month. Similarly, the defendant also availed another loan of 4,00,000/- jointly in the name of the plaintiff and the defendant and the said amount of loan with interest, totaling 5,50,000/- has also been repaid by the plaintiff alone and similarly, the plaintiff also withdrawn ₹ 3,00,000/- from the G.P. Fund account of the plaintiff and spent the said amount on the said house. As such the entire amount for the purchase of the plot as well as raising construction over the house and also for finishing work etc. has been spent by the plaintiff. The plaintiff alongwith defendant and their minor children are residing in the said house together and the entire household expenses are also being borne by the plaintiff.”

8. It is evident that the entire amount for the purchase of the plot, construction of the house, and finishing works has been expended by the



plaintiff. By way of the proposed amendment, the plaintiff has not introduced any new plea, but has only claimed an additional relief consistent with the facts already pleaded. In this regard, in Civil Appeal No. 5909 of 2022, titled **Life Insurance Corporation of India v. Sanjeev Builders Private Limited & Another**, decided by the Hon'ble Supreme Court of India on 01.09.2022, Hon'ble Court has observed in paragraph 18 as follows:

“18. We think that the course adopted by this Court in Ragu Thilak D. John case [(2001) 2 SCC 472] applies appropriately to the facts of this case. The courts below have proceeded on an assumption that the amendment sought for by the appellants is ipso facto barred by the law of limitation and amounts to introduction of different relief than what the plaintiff had asked for in the original plaint. We do not agree with the courts below that the amendment sought for by the plaintiff introduces a different relief so as to bar the grant of prayer for amendment, necessary factual basis has already been laid down in the plaint in regard to the title which, of course, was denied by the respondent in his written statement which will be an issue to be decided in a trial. Therefore, in the facts of this case, it will be incorrect to come to the conclusion that by the amendment the plaintiff will be introducing a different relief.”

9. The Hon'ble Apex Court, in identical circumstances, has held that where only a different relief is claimed by way of amendment, the amendment cannot be held to be barred, and even if it introduces time-barred claim, it is not required to be disallowed solely on that ground.

10. Learned counsel for the petitioner has relied upon the judgments of the Coordinate Benches of this Court:

1. In **Umeshpal Jain v. Mahinder Pal Jain**, 2024 NCPHC 171711, the proposed amendment was disallowed on the grounds that it was inconsistent, lacked due diligence, and would delay the proceedings.



2. In **Baldei and Others v. Hargian and others**, 2025 NCPHHC 58889,

the amendment was disallowed on the ground that it changed the nature of the suit and sought to set up an entirely new case.

3. In **Bir Singh v. Sohan Singh and others**, 2025 NCPHHC 33635, the

amendment was again disallowed as it altered the nature of the suit, required fresh pleadings and evidence, and would amount to reopening the entire trial.

11. Learned counsel has also relied upon the law laid down by the Hon'ble Supreme Court in **Rebbanamoni Anand @ Santhapuram Anand v. Santhapuram Janardhan Reddy and others**, Law Finder Doc Id#2760786, where the amendment was disallowed when sought after 13 years, including relief for declaration of title and recovery of possession in a suit for permanent injunction regarding possession. The amendment was held to be impermissible, changing the nature of the suit, and filed without any bona fide reason. However, it is evident that the facts and circumstances of all these cases relied upon by the petitioner are distinguishable from the facts of the present case, which has already been considered and decided appropriately by the learned trial Court.

12. The respondent/plaintiff, by way of the proposed amendment, has not altered the substance of the pleadings. The factual matrix and the original allegations in the plaint remain intact. The only modification sought is the inclusion of the relief of declaration, which is consequential to the relief already claimed and is consistent with the facts as already pleaded. This amendment is necessary because it would finally and conclusively settle the dispute between the parties regarding the suit property. It is evident that a



mere injunction would not have been sufficient to resolve the parties' competing claims over the house in dispute, as it would leave unresolved issues regarding ownership, expenditure, and entitlement.

13. The proposed amendment is therefore essential for the proper adjudication of the dispute, as it enables the Court to examine and decide the real controversy between the parties. The learned Civil Judge, in allowing the amendment, rightly observed that such an amendment is necessary for just, effective, and complete adjudication of the case. The order reflects a careful application of mind and demonstrates that the discretion vested in the learned Civil Court has been properly exercised.

14. Given the circumstances, the allowance of the amendment does not amount to any illegality, material irregularity, or procedural impropriety. The amendment ensures that all aspects of the dispute, including the claim of the plaintiff regarding the expenditure incurred in acquiring and developing the property, can be fully adjudicated in a single proceeding, thereby preventing multiplicity of litigation and serving the ends of justice. In view of the above, the impugned order of the learned Civil Judge does not call for any interference. The present revision petition is dismissed.

(VIRINDER AGGARWAL)
JUDGE

06.03.2026

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*